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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,556	11/24/2003	Jimmy J. Jenkins	STRM-P005	4852
32986	7590	05/03/2006	EXAMINER	
IPSG, P.C. P.O. BOX 700640 SAN JOSE, CA 95170-0640			LIM, KRISNA	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/720,556

Applicant(s)

JENKINS, JIMMY J.

Examiner

Krisna Lim

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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1. Claims 1-12 are presented for examination.

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-4 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as being an abstract idea because a data structure or database is not tangibly embodied in a manner so as to be executable and it is a non-functional descriptive material. Thus, these claims are not tangible.

4. Claims 1-4 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as being intangibly embodied in a manner so as to be executable as the only intended use statement because a data structure or database is not tangibly embodied in a manner so as to be executable and it is the intent of the execution of the data structure. Thus, these claims 1-4 are not tangible.

5. Claims 5-8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as being an abstract idea because a method is not tangibly embodied in a manner so as to be executable. Thus, these claims 5-8 are not tangible.

6. 6. Claims 9-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as being an intangible media (e.g., a program, a procedure, etc.) and an abstract idea. A program and a procedure are not tangibly embodied in a manner so as to be executable.

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7. The title of the invention is neither descriptive nor precise. A new title is required which should include, using twenty words or fewer, claimed features that differentiate the invention from the Prior Art. The title should reflect the gist of or the improvement of the present invention.

8. The disclosure is objected to because of the following informalities:

(a) On page 1, the text of the first paragraph should be updated with the current status of the cited applications such as U.S. Patent Application Serial No., a filing date, U.S. Patent No., and the issued date. Appropriate correction is required.

9. Claims 1-12 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "logic component" is not understood because the term "logic" can be any logic, for example, a Boolean logic, a fuzzy logic, linear logic, programming logic, first-order logic, etc.

10. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wu et al. [U.S. Patent No. 6,813,489].

12. Wu et al. disclosed (e.g., see Figs. 1-23) the invention substantially as claimed. Taking claim 1 as an exemplary claim, the reference disclosed:

- a) a server computer (e.g., see either 15, 23 or 25 of Figs. 1-5) including a server program (inherent in any servers) to receive a call from a client computer (e.g., see 224 of Fig. 2b and 402 of Fig. 4a), the server computer including a memory (inherent) configured to store a plurality of logic component (e.g., 5c and 5f of Fig. 5) available for selection by identified users and to store information regarding a plurality of identified users (e.g., see 5c and 5f of Fig. 5);
- b) a selection procedure configured to receive instructions from each identified user (e.g., 222b of Fig. 2a) regarding a selection of the available logic component (user input such as search for, select or enter recipient's electronic address of Fig. 2a) and to create a record (e.g., DB 20 of Fig. 1, 5c or 5f of Fig. 5) associating the identified user and selected logic components;
- c) an assembly procedure configured to associated the call with an identified user (e.g., see MSG to Phone # table 5f of Fig. 5, user ID to Phone mapping table 5c of Fig. 5) and to provide information to the server program to assemble a web page customized for each identified user in response to the call (e.g., see 216 of Fig. 2a, 222 and 224 of Fig. 2b).

13. While Wu et al. disclosed a system, for mobile electronic message and for transmitting a voice message to an electronic address, comprising a network 150, LAN/WAN 40, SERVERS (15, 23, 25) and Databases (20,30) and the feature of prompting user to either search for, select or enter something or place a call, etc., Wu et al. did not explicitly mention the feature of assemble a web page customized for each user in response to the call. Creating and assembling the web page would have been known in the art at the time the invention was made, thus it would have been obvious to one of ordinary skill in the art to recognize that assemble and customize the web page for a specific reason would have been a matter of choice or doing business with the available technology.

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14. As to claims 2-3, Wu et al. disclosed the feature of access a database containing information necessarily for at least one identified user and selected logic components (e.g., see DB 20 and 30 of Fig. 1, tables 5c and 5f of Fig. 5).

15. As to claim 4, Wu et al. disclosed the feature of storing a profile for each identified user (e.g., see tables 5c and 5f of Fig. 5), where the profile includes the selected logic component (fields of tables 20 and 30).

16. Claims 5-12 are similar in scope as of claims 1-4, and therefore claims 5-12 are rejected for the same reasons set forth above for claims 1-4.

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Wednesday and Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

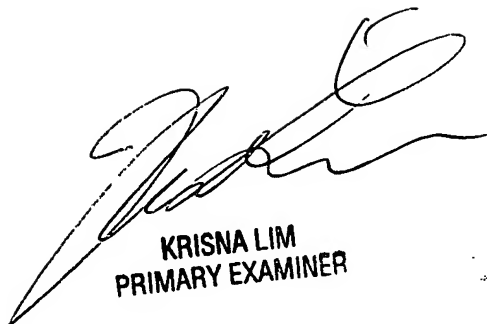
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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May 1, 2006



KRISNA LIM
PRIMARY EXAMINER